

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1171 Session of
1981

INTRODUCED BY HOFFEL, DAWIDA, LASHINGER, SWAIM, PERZEL,
COCHRAN, MILLER, SALVATORE, MICHLOVIC, HALUSKA, MICOZZIE,
KANUCK AND SWEET, APRIL 8, 1981

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 8, 1981

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled
2 "An act establishing rights in public employes to organize
3 and bargain collectively through selected representatives;
4 defining public employes to include employes of nonprofit
5 organizations and institutions; providing compulsory
6 mediation and fact-finding, for collective bargaining
7 impasses; providing arbitration for certain public employes
8 for collective bargaining impasses; defining the scope of
9 collective bargaining; establishing unfair employe and
10 employer practices; prohibiting strikes for certain public
11 employes; permitting strikes under limited conditions;
12 providing penalties for violations; and establishing
13 procedures for implementation," changing the bargaining
14 timetable.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Clause (12) of section 301, act of July 23, 1970
18 (P.L.563, No.195), known as the "Public Employe Relations Act,"
19 is amended to read:

20 Section 301. As used in this act:

21 * * *

22 (12) "Budget submission date" means the date by which under
23 the law or practice a public employer's proposed budget, or

1 budget containing proposed expenditures applicable to such
2 public employer is submitted to the Legislature or other similar
3 body for final action. For the purposes of this act, the budget
4 submission date for the Commonwealth shall be February 1 of each
5 year, for political subdivisions other than school districts
6 December 29 of each year, for school districts June 30 of each
7 year and for a nonprofit organization or institution, the last
8 day of its fiscal year.

9 Section 2. Sections 801 and 802 of the act are amended and a
10 section is added to read:

11 Section 801. (a) No later than ninety days prior to the
12 "budget submission date", the party wishing to initiate
13 bargaining shall submit to the other party, and to the board,
14 notice of contract termination and new contract proposals.
15 Failure to give notice of intent to negotiate, or to submit
16 proposals as required herein constitutes a waiver of the right
17 to bargain for a contract for the following year and the
18 existing contract or status quo shall continue for another year.

19 (b) If after a reasonable period of negotiation, a dispute
20 or impasse exists between the representatives of the public
21 employer and the public employees, the parties may voluntarily
22 submit to mediation but if no agreement is reached between the
23 parties [within twenty-one days after negotiations have
24 commenced, but in no event later than one hundred fifty] sixty
25 days prior to the "budget submission date," and mediation has
26 not been utilized by the parties, both parties shall
27 immediately, in writing, call in the service of the Pennsylvania
28 Bureau of Mediation.

29 Section 802. Once mediation has commenced, it shall continue
30 for so long as the parties have not reached an agreement. If,

1 however, an agreement has not been reached [within twenty days
2 after mediation has commenced or in no event later than one
3 hundred] thirty days prior to the "budget submission date," the
4 Bureau of Mediation shall notify the board of this fact. Upon
5 receiving such notice the board [may in its discretion] shall
6 appoint a fact-finding panel which panel may consist of either
7 one or three members. [If a panel is so designated or selected
8 it] The panel shall hold hearings and take oral or written
9 testimony and shall have subpoena power. If during this time the
10 parties have not reached an agreement, the panel shall make
11 findings of fact and recommendations which shall include clear
12 statements of the position of both parties and the rationale for
13 the recommendations:

14 (1) The findings of fact and recommendations shall be sent
15 by registered mail to the board and to both parties not more
16 than [forty] ten days after the Bureau of Mediation has notified
17 the board as provided in the preceding paragraph.

18 (2) Not more than [ten] five days after the findings and
19 recommendations shall have been sent, the parties shall notify
20 the board and each other whether or not they accept the
21 recommendations of the fact-finding panel and if they do not,
22 the panel shall publicize its findings of fact and
23 recommendations including a statement of who accepted and who
24 rejected the particular findings and recommendation.

25 (3) Not less than five days nor more than ten days after the
26 publication of the findings of fact and recommendations, the
27 parties shall again inform the board and each other whether or
28 not they will accept the recommendations of the fact-finding
29 panel.

30 (4) The Commonwealth shall pay one-half the cost of the

1 fact-finding panel; the remaining one-half of the cost shall be
2 divided equally between the parties. The board shall establish
3 rules and regulations under which panels shall operate,
4 including, but not limited to, compensation for panel members.

5 Section 905. All contracts with political subdivisions
6 including school districts shall begin and end in the same
7 period of time as the fiscal year of the political subdivision
8 or school district. Nothing in this section shall prohibit a
9 contract that runs for more than one fiscal year provided that
10 the contract begins and ends with the beginning and end of an
11 appropriate fiscal year.

12 Section 3. This act shall take effect in 60 days.